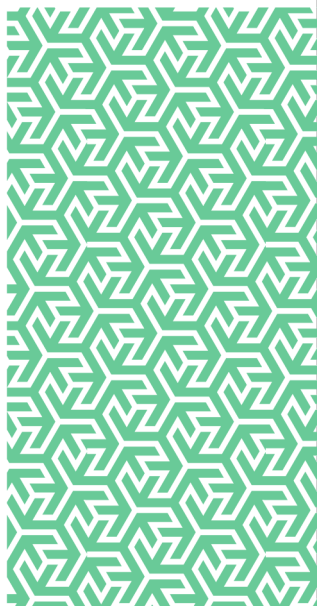


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## Risk control E-Scooters



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# E-Scooters

## Introduction

An electric scooter (E-Scooter) is a two wheeled scooter with small electric motors. They have grown in popularity in recent months with Facebook groups established for E-Scooter enthusiasts to connect and scooter sharing schemes operating in over 100 cities including Paris, Copenhagen, Rome and San Francisco<sup>1</sup>.

E-Scooters are freely available to buy in the UK – both online and in stores and can cost anywhere between £100 and £1000. Whilst purchasing an E-Scooter is relatively straightforward; using and insuring them is not.

## Are E-Scooters Legal?

It is legal to buy one and to use it on your own private land, but not on the public highway at this time. The only exception is if you have rented the E-Scooter from a legitimate rental company.

In the UK, E-Scooters are classified as Personal Light Electric Vehicles (PLEVs). This means that they are treated in the same way as motor vehicles and subject to MOT, tax, licencing and specific construction<sup>2</sup>.

Currently, E-Scooters do not meet the set construction requirements such as signalling ability, rear red lights and number plates and this is why they cannot be used legally on any road, highway or public place, as they do not comply with Road Traffic Act 1988 and Highways Act 1835 requirements. The same applies for all 'powered transporters' - Segway's, Hover boards, Go-Peds and Self-Propelled Unicycles. The law that currently covers E-Bikes, which are battery operated, doesn't cover E-Scooters but the UK Government is looking to regulate E-Scooters in a similar way going forward.

## E-Scooter Rental Trial

The Department for Transport began the process to set up E-Scooter rental schemes similar to those seen in other European cities. The COVID-19 pandemic accelerated the commencement of a UK scheme and extended the number of trial cities that would be involved by way of reducing the risk of COVID-19 virus spread through travel on public transport.

The trial is part of the Government's greener travel investment strategy and will run for 12 months<sup>3</sup>. The rental trial started on the 4th July 2020 across the UK in four chosen 'future transport zones' however this was further expanded to all Local Authorities offering support and financial incentives to those wishing to take part in the trial.

## How will the Trial Work?

Local authorities are partnering with a variety of approved E-Mobility companies who will as part of their supply ensure that the e scooters are insured, charged and properly maintained. They will also provide appropriate safety equipment and the general operational management

Costs for the scooters varies across the country with some opting for charges per 20 minutes of hire up to daily rates. Each parking location is strictly geo-fenced so users must leave their E-Scooters back at the set locations when they are finished although some providers offer a drop off and collection service. The whole process can be managed through a mobile application.

## Interim Action

As early as September some Authorities were identifying issues with scooter use. In fact Coventry City Council suspended the trial due to unsafe practices by hirers of the scooters such as riding on footpaths<sup>4</sup>. Similar misuse has led to Hartlepool cancelling their pilot with the towns MP labelling the vehicles 'useless as a chocolate fireguard'.<sup>5</sup>

## Enforcement

Local police forces will enforce the law and have the ability to prosecute for 'powered transporter' offences<sup>6</sup>.

You could be fined if you were:

- Using a hired E-Scooter outside the jurisdiction of one of the current trial areas
- Using a privately owned E-Scooter on any public highway, cycle track or pavement.

The fine is a fixed-penalty notice of £300 and six points on your driving licence. There are also other more serious offences riders must be aware of, including compliance with drink, drug driving legislation which could see riders breath and drug tested and ultimately losing their licenses should offences be detected.

There have been cases processed through the courts such as the case of Winter v DPP (2002). In this case the High Court considered the use of a 'City Bug' electric scooter, and whether its user was bound by the compulsory insurance requirements. It found that it was and that the appellant had been properly convicted of the offence of driving a vehicle without insurance<sup>9</sup>.

The Metropolitan Police Service has even gone so far as to develop a guidance video warning members of the public about the legality of privately owned E- scooters and the fact that they are illegal to use on roads and public places and that their use should be strictly reserved for private land

which they have put out through their media services such as Facebook.<sup>10</sup>

## Safety

Many E-Scooters have speed limiters fitted to restrict speed to 15.5mph but without this they could potentially reach 30mph. Some only have a single brake which can make stopping problematic.

The UK trial scooters supplied via Ginger are limited to a speed of 12.5mph. They are trackable through the Ginger mobile application (app) and backend functionality. Ginger encourage users to wear helmets and as part of the Department for Transport's requirements - users are required to be 16 years or over and have either a full or provisional driving licence.

It is believed that the first E-Scooter fatality in the UK was that of television presenter and You Tube star Emily Hartridge. Emily died in July 2019 when her E-Scooter collided with a lorry on a roundabout in Battersea, South West London<sup>7</sup>. This prompted a review by the Transport Minister to look more closely at safety and legality and led the trial taking place now.

## Critics

Early on the Royal Institute of Blind People (RNIB) expressed concerns regarding their use as creating additional hazards for their members due to them being so quiet and also obstructing footways.<sup>7</sup>

## Roadworthy Requirements

Under the UK trial scheme, the provider will take responsibility for any maintenance and repair requirements of the scooters issued. Electric Scooter repair establishments are beginning to appear across the UK and there are online resources to help with common faults<sup>8</sup>.

Just like other vehicles, they have parts and components that will wear and become damaged over time or due to excessive use, over charging and riding on rough terrain.

There is no set 'vehicle checklist' before use at this time as there is with motor vehicles such as checking brake lights and water and oil levels, tyre pressure etc. but as with any Vehicle, checks on roadworthiness before use are always recommended.

## Additional Mixed Views....

There are many groups fully supportive of the introduction of E-Scooters including the London Cycle Campaign (LCC) who have said *"The arrival of e-scooters offers a cleaner,*

*low carbon alternative to cars and buses for those who can't or don't want to cycle*<sup>9</sup>.

E-Scooters have been a familiar sight on the streets of Copenhagen for some time. It benefits from a flat terrain and from 97% of people in the city riding bikes every day. Given this backdrop, you would expect E-Scooters to be welcomed by all. However, there have been reports of them being classed as a nuisance and the police have mounted a campaign against 'drink-riders' issuing fines for those over the legal alcohol limit<sup>10</sup>.

## Liability

The market for insurance across Europe for E-Scooters is well established but very new to the UK and not readily available from the market here yet. At the moment, it is the responsibility of the rental company to source and arrange appropriate insurance and their options are limited.

E-Scooters have the potential to impact the covers of Motor, Public Liability, Personal Accident and/or Employers Liability depending upon the locality and the insurers' interpretation.

The intelligence gathered from the 12 month trial should help inform the industry of the level of liability exposure and potentially open the door for insurance provision.

As employers, thoughts should be turning to the risks associated with employees who may use either their own or a rental scooter to travel to and from work or in between meetings and what exposure this presents to the organisation.

## Summary

There is no doubt, that as an alternative mode of transport these E-Scooters have a favourable impact on climate change, air quality and congestion.

## References

- 1 <https://www.bbc.co.uk/news/uk-48106617>
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- 10 <https://www.theguardian.com/uk-news/2019/jul/13/tv-presenter-emily-hartridge-dies-in-scooter-crash>

## Further information

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## Get in touch

For more information, please contact your broker, RMP risk control consultant or account director.

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